
350.30**Participant Appeals**

Notification Written notice of the right to appeal, and the process to appeal, must be given to:

- Applicants at the initial certification appointment,
- Applicants when eligibility is denied, including those placed on a waiting list,
- Participants at termination, and
- Participants receiving notice of a claim being established for repayment of improperly issued benefits.

Form of notice The notice of the right to appeal must be posted in each clinic. It is also written on the WIC Identification card.

The appeals process is printed on the Notice of Termination and Notice of Ineligibility forms.

Benefits during appeal process A participant who was denied program benefits for one of the following reasons does not receive benefits during the appeal process:

- A finding of ineligibility at initial certification or subsequent recertification,
- Failure to reapply following notice of expiration of certification, or
- Categorical ineligibility (e.g., a child over five years old).

Participants may only continue to receive program benefits during the appeal process if the participant appeals the decision either verbally or in writing within the 15 days advance adverse action notice period. The participant may receive benefits until the hearing official reaches a decision or the certification period expires, whichever occurs first.

A participant who was involuntarily terminated before the end of a certification period may receive program benefits during the appeal process **if** the participant completes subsequent recertifications as required.

Restitution If a participant appeals a claim for restitution, collection efforts are suspended pending the outcome of the appeal. If repayment of benefits is upheld, efforts to collect the claim are resumed during the process of appealing the local decision to the state WIC office. See Policy 225.80 for more information on restitution.

Appeal process See 641 IAC 73 (in Policy 398.15) for the current appeal process.

In the event the participant is unable to attend the scheduled appeal hearing, the hearing officer shall schedule a second appeal hearing, giving parties a minimum of twenty days notice. If the participant fails to attend the second hearing, the hearing officer will issue a decision in the participant's absence.
